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**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

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**Listing of Claims:**

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1. (Cancelled)

2. (Currently Amended) A toe stretcher for stretching toes, comprising:

a frame with a separator for separating a plurality of toes;

~~A toe stretcher for stretching toes as set forth in claim 1,~~ wherein the

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frame comprises a top portion, a bottom portion, a front portion, and a back portion, and further includes:

a plurality of holes through the frame for insertion of a plurality of toes, wherein each hole in the plurality of holes includes an entrance into the back portion, an exit from the front portion, and surrounding walls connecting the entrance with the exit, wherein:

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the surrounding walls in at least one hole in the plurality of holes is continuous and thereby sealed; and

the surrounding walls in at least one other hole in the plurality of holes is non-continuous and thereby not sealed, serving as an openable toe hole allowing for easy insertion of a toe, whereby a user may place the toe stretcher on the plurality of toes and effectively separate and stretch the toes.

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3. (Original) A toe stretcher as set forth in claim 2, wherein the openable toe hole is sealed through use of an enclosure.

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- 5        4. (Original)        A toe stretcher as set forth in claim 3, wherein the enclosure is  
selected from a group consisting of Velcro, snaps, an elastic band, hole and pin,  
and a male/female joint system.
- 10       5. (Original)        A toe stretcher as set forth in claim 4, further comprising a  
footwear attached with the bottom portion.
6. (Original)        A toe stretcher as set forth in claim 2, further comprising a  
footwear attached with the bottom portion.
- 15       7. (Cancelled)
8. (Currently Amended) A toe stretcher for stretching toes, comprising:  
a frame with a separator for separating a plurality of toes;  
wherein the frame has an elongated top part connected with an elongated  
20 bottom part, and further includes:  
a plurality of indentations included in both the elongated top part  
and the elongated bottom part for placement of a plurality of toes,  
whereby upon placing toes upon the indentations on the elongated bottom  
part, a user may close the frame by closing the elongated top part upon a  
25 top side of a corresponding toe or toes; and  
~~A toe stretcher as set forth in claim 7,~~ wherein the elongated top part is  
connected with the elongated bottom part through a connector, whereby a user  
may place the toe stretcher on the plurality of toes and effectively separate and  
stretch the toes.
- 30       9. (Original)        A toe stretcher as set forth in claim 8, wherein the connector is a  
hinge.

- 5 10. (Original) A toe stretcher as set forth in claim 9, wherein an unconnected portion of the elongated top part and an unconnected portion of the elongated bottom part may be connected through use of an enclosure.
- 10 11. (Original) A toe stretcher as set forth in claim 10, wherein the enclosure is selected from a group consisting of Velcro, snaps, an elastic band, hole and pin, and a male/female joint system.
12. (Original) A toe stretcher as set forth in claim 11, further comprising a footwear attached with the elongated bottom part.
- 15 13. (Currently Amended) A toe stretcher for stretching toes, comprising:  
a frame with a separator for separating a plurality of toes;  
wherein the frame has an elongated top part connected with an elongated bottom part, and further includes:  
20 a plurality of indentations included in both the elongated top part and the elongated bottom part for placement of a plurality of toes; and  
A toe stretcher as set forth in claim 7, wherein an unconnected portion of the elongated top part and an unconnected portion of the elongated bottom part may be connected through use of an enclosure, whereby upon placing toes upon  
25 the indentations on the elongated bottom part, a user may close the frame by closing the elongated top part upon a top side of a corresponding toe or toes, thereby placing the toe stretcher on the plurality of toes to effectively separate and stretch the toes.
- 30 14. (Original) A toe stretcher as set forth in claim 13, wherein the enclosure is selected from a group consisting of Velcro, snaps, an elastic band, hole and pin, and a male/female joint system.
15. (Currently Amended) A toe stretcher for stretching toes, comprising:  
35 a frame with a separator for separating a plurality of toes;

5                    wherein the frame has an elongated top part connected with an elongated bottom part, and further includes:

a plurality of indentations included in both the elongated top part and the elongated bottom part for placement of a plurality of toes, and  
10                   A toe stretcher as set forth in claim 7, further comprising a footwear attached with the elongated bottom part, whereby upon placing toes upon the indentations on the elongated bottom part, a user may close the frame by closing the elongated top part upon a top side of a corresponding toe or toes, thereby placing the toe stretcher on the plurality of toes to effectively separate and stretch the toes.

15                   16. (Currently Amended) A toe stretcher for stretching toes, comprising:

a frame with a separator for separating a plurality of toes;

~~A toe stretcher for stretching toes as set forth in claim 1,~~ wherein the frame has an elongated top part separated from an elongated bottom part, and  
20                   further includes:

                    a plurality of indentations included in both the elongated top part and the elongated bottom part for placement of a plurality of toes, whereby upon placing a bottom side of toes upon the indentations on the elongated bottom part, a user may place the elongated top part upon a top side of a corresponding toe or toes  
25                   and thereby utilize the toe stretcher to effectively separate and stretch the toes.

17. (Original)      A toe stretcher as set forth in claim 16, wherein an unconnected portion of the elongated top part and an unconnected portion of the elongated bottom part may be connected through use of an enclosure.

30                   18. (Original)      A toe stretcher as set forth in claim 17, wherein the enclosure is selected from a group consisting of Velcro, snaps, an elastic band, hole and pin, and a male/female joint system.

5 19. (Original) A toe stretcher as set forth in claim 18, further comprising a footwear attached with the elongated bottom part.

20. (Original) A toe stretcher as set forth in claim 16, further comprising a footwear attached with the elongated bottom part.

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21. (Currently Amended) A toe stretcher for stretching toes, comprising:

a frame with a separator for separating a plurality of toes;

~~A toe stretcher for stretching toes as set forth in claim 1,~~ wherein the frame has an elongated bottom part, and further includes:

15 a plurality of spacing members included in the elongated bottom part, thereby creating a plurality of indentations for placement of a plurality of toes, wherein:

at least one spacing member in the plurality of spacing members includes a vertical hole running from a top side of the at least one spacing member to a bottom side of the elongated bottom part, whereby a user may utilize the toe stretcher by placing a bottom side of at least one toe upon a corresponding indentation on the elongated bottom part and by placing at least one spacing member between adjacent toes, thereby placing the toe stretcher on the plurality of toes to effectively separate and  
20 stretch the toes.  
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22. (Original) A toe stretcher as set forth in claim 21, wherein a filament is placed through the vertical hole.

30 23. (Original) A toe stretcher as set forth in claim 22, wherein the filament is operative as an attachment, whereby a user may place the attachment over a top side of at least one toe and thereby utilize the toe stretcher.

24. (Original) A toe stretcher as set forth in claim 23, further comprising a footwear attached with the elongated bottom part.  
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25. (Original) A toe stretcher as set forth in claim 21, further comprising a footwear attached with the elongated bottom part.

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26. (Withdrawn) A method for forming a toe stretcher connected with a footwear, comprising acts of:

connecting a frame with a footwear, where the frame has a separator for separating a plurality of toes, whereby a user may place the toe stretcher on the plurality toes and effectively separate and stretch the toes.

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27. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 26, wherein in the act of connecting a frame with a footwear, the frame further includes:

a top portion, a bottom portion, a front portion, a back portion, where the bottom portion of the frame is connected with the footwear;

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a plurality of holes for insertion of a plurality of toes, where each hole has an entrance on the back portion, an exit on the front portion, and surrounding walls connecting the entrance with the exit, wherein:

the surrounding walls in at least one hole in the plurality of holes is continuous and thereby sealed; and

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the surrounding side walls in at least one other hole in the plurality of holes is non-continuous and thereby not sealed, serving as an openable toe hole allowing for easy insertion of a corresponding toe or toes.

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28. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 27, wherein in the act connecting a frame with a footwear, the openable toe hole is sealed through use of an enclosure.

29. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 28, wherein in the act of connecting a frame with a footwear, the

5 enclosure is selected from a group consisting of Velcro, snaps, an elastic band,  
hole and pin, and a male/female joint system.

10 30. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 29, wherein in the act of connecting a frame with a footwear, the  
bottom portion is integrally molded with the footwear.

15 31. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 29, wherein in the act of connecting a frame with a footwear, the  
frame and the footwear are separately formed and the act of connecting is  
performed by attaching the frame with the footwear.

20 32. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 27, wherein in the act of connecting a frame with a footwear, the  
bottom portion is integrally molded with the footwear.

25 33. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 27, wherein in the act of connecting a frame with a footwear, the  
frame and the footwear are separately formed and the act of connecting is  
performed by attaching the frame with the footwear.

30 34. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 26, wherein in the act of connecting a frame with a footwear, the  
frame further includes:

an elongated top part connected with an elongated bottom part, where the  
elongated bottom part of the frame is connected with the footwear;

35 a plurality of indentations included in both the elongated top part and the  
elongated bottom part for placement of a plurality of toes, whereby upon placing a  
bottom side of toes upon the indentations on the elongated bottom part, a user  
may close the frame by closing the elongated top part upon a top side of a  
corresponding toe or toes.

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35. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 34, wherein in the act of connecting a frame with a footwear, the elongated top part is connected with the elongated bottom part through a connector.

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36. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 35, wherein in the act of connecting a frame with a footwear, the connector is a hinge.

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37. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 36, wherein in the act of connecting a frame with a footwear, an unconnected portion of the elongated top part and an unconnected portion of the elongated bottom part are connected through use of an enclosure.

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38. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 37, wherein in the act of connecting a frame with a footwear, the enclosure is selected from a group consisting of Velcro, snaps, an elastic band, hole and pin, and a male/female joint system.

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39. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 38, wherein in the act of connecting a frame with a footwear, the elongated bottom part is integrally formed with the footwear.

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40. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 38, wherein in the act of connecting a frame with a footwear, the frame and the footwear are separately formed and the act of connecting is performed by attaching the frame with the footwear.

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41. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 34, wherein in the act of connecting a frame with a footwear, an

5           unconnected portion of the elongated top part and an unconnected portion of the elongated bottom part are connected through use of an enclosure.

42. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 41, wherein in the act of connecting a frame with a footwear, the  
10           enclosure is selected from a group consisting of Velcro, snaps, an elastic band, hole and pin, and a male/female joint system.

43. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 34, wherein in the act of connecting a frame with a footwear, the  
15           elongated bottom part is integrally formed with the footwear.

44. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 34, wherein in the act of connecting a frame with a footwear, the frame and the footwear are separately formed and the act of connecting is  
20           performed by attaching the frame with the footwear.

45. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 26, wherein in the act of connecting a frame with a footwear, the frame further includes:

25           an elongated top part separated from an elongated bottom part, where the elongated bottom part is connected with the footwear;

              a plurality of indentations included in both the elongated top part and the elongated bottom part for placement of a plurality of toes, whereby upon placing toes upon the indentations on the elongated bottom part, a user may place the  
30           elongated top part upon a top side of a corresponding toe or toes and thereby complete the frame and utilize the toe stretcher.

46. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 45, wherein in the act of connecting a frame with a footwear, an

5           unconnected portion of the elongated top part and an unconnected portion of the  
elongated bottom part may be connected through use of an enclosure.

47. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 46, wherein in the act of connecting a frame with a footwear, the  
10           enclosure is selected from a group consisting of Velcro, snaps, an elastic band,  
hole and pin, and a male/female joint system.

48. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 47, wherein in the act of connecting a frame with a footwear, the  
15           elongated bottom part is integrally molded with the footwear.

49. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 47, wherein in the act of connecting a frame with a footwear, the  
frame and the footwear are separately formed and the act of connecting is  
20           performed by attaching the frame with the footwear.

50. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 45, wherein in the act of connecting a frame with a footwear, the  
elongated bottom part is integrally molded with the footwear.  
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51. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 45, wherein in the act of connecting a frame with a footwear, the  
frame and the footwear are separately formed and the act of connecting is  
performed by attaching the frame with the footwear.  
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52. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 26, wherein in the act of connecting a frame with a footwear, the  
frame further includes:  
                  an elongated bottom part; and

5                   a plurality of spacing members creating a plurality of indentations for  
placement of a plurality of toes, wherein:

                  at least one spacing member in the plurality of spacing members  
includes a vertical hole running from a top side of the at least one spacing  
member to a bottom side of the elongated bottom part, whereby a user  
10               may utilize the toe stretcher by placing a bottom side of at least one toe  
upon a corresponding indentation on the elongated bottom part and by  
placing at least one spacing member between adjacent toes.

53. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
15               set forth in claim 52, wherein in the act of connecting a frame with a footwear, a  
filament is placed through the vertical hole.

54. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 53, wherein in the act of connecting an frame with a footwear,  
20               the filament is operative as an enclosure, whereby a user may place the enclosure  
over a top side of at least one toe and thereby utilize the toe stretcher.

55. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 54, wherein in the act of connecting a frame with a footwear, the  
25               frame and the footwear are separately formed and the act of connecting is  
performed by attaching the frame with the footwear.

56. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 54, wherein in the act of connecting a frame with a footwear, the  
30               elongated bottom part is integrally molded with the footwear.

57. (Withdrawn) A method for forming a toe stretcher connected with a footwear as  
set forth in claim 52, wherein in the act of connecting a frame with a footwear, the  
frame and the footwear are separately formed and the act of connecting is  
35               performed by attaching the frame with the footwear.

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58. (Withdrawn) A method for forming a toe stretcher connected with a footwear as set forth in claim 52, wherein in the act of connecting a frame with a footwear, the elongated bottom part is integrally molded with the footwear.

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**REMARKS**

This application has been carefully reviewed in light of the Office Action of January 24, 2006, wherein:

10 A. Claims 1 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by Underwood;

B. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Moore Johnson et al;

C. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Heims;

D. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Vonk;

15 E. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Johnson;

F. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Ikeda;

G. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Manning;

20 H. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Stern;

I. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Grahm;

J. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Wyss;

K. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Collier;

25 L. Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Belcher;

M. Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Ott et al;

N. Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Goldberg et al; and

30 O. Claims 2-6 and 8-25 were objected to but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

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**Rejections under 35 U.S.C. §102(b)**

A. Turning now to the Office Action, the Examiner rejected Claims 1 and 7 under 35 U.S.C. §102(b) as being anticipated by Underwood.

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Claims 1 and 7 have been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

B. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Moore Johnson et al.

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Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

C. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Heims.

20

Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

D. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Vonk.

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Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

E. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Johnson.

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Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

F. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Ikeda.

5            Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

G. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Manning.

10            Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

H. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Stern.

15            Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

I. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Grahm.

20            Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

J. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Wyss.

25            Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

K. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Collier.

30            Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

**Rejections under 35 U.S.C. §102(e)**

L. Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Belcher.

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5                Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

M. Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Ott et al.

10              Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

N. Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Goldberg et al.

15              Claim 1 has been cancelled. Thus, the Applicant respectfully requests that this rejection be withdrawn.

**Allowable Subject Matter**

20              O. Claims 2-6 and 8-25 were objected to but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

25              Pursuant to the Examiner's comments, Claims 2, 8, 13, 15, 16, and 21 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Therefore, the Applicant believes that these claims are now in allowable condition and respectfully requests that this rejection be withdrawn.

30              Additionally, the remaining claims, Claims 3-6, 9-12, 14, 17-21, and 22-25, are now dependent upon allowable base claims. Thus, the Applicant respectfully requests that all rejections be withdrawn and that the Examiner provide for timely allowance of all pending claims.

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